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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,858	05/19/2000	Yoshinori Shimizu	450100-02472	1668

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EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2613

DATE MAILED: 02/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/575,858

Applicant(s)

SHIMIZU, YOSHINORI

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 are rejected under 35 U.S.C. 102(b) as being unpatentable by Koyama et al (US 6,112,010).

#### **[claims 1 and 9]**

1. In regard to Claims 1 and 9, Koyama et al discloses a reproducing apparatus and method for receiving contents data and index pictures corresponding thereto from a record medium or transmission medium (Figure 1), the picture frame sizes of the index pictures being smaller than the picture frame size of the contents data (Figure 10 step s16), displaying the index pictures on displaying means (Figure 4), and selecting contents data with the displayed index pictures (Figure 12), the reproducing comprising:

- First storing means for storing first index picture that is received (Figure 1 element 5 stores the index picture);
- Picture processing means for processing the first index picture data that is read from said first storage means (Figure 1 picture is read from storage element 5 and sent to the picture processing block element 3);

- Second storing means for storing second index picture data that is formed by said picture processing means and for outputting picture data to be displayed (Figure 1 element 6a stores playback information in the RAM); and
- Wherein at least one index picture is arranged in one direction and displayed corresponding to the picture data to be displayed (Column 5 Lines 55+ discloses that the first index file which records index picture for indicating at least one picture file of the picture files recorded into the subdirectories and Column 14 Lines 1+ discloses the display of the first picture images).

**[claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14]**

2. In regard to Claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14, Koyama et al discloses a reproducing apparatus and method wherein the picture processing comprises:

- converts the component format of the first index picture data(Figure 4 shows the apparatus while Figure 9 shows the method of formatting the index picture);
- Mono-chrome data generating source and adds mono-chrome data generated by the mono-chrome data generating source to the picture frame of the first index picture data in a frame shape and adds the mono-chrome data to the picture frame of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture size (Column 12 Lines

40+ disclose how mono-chrome data is entered as well as how pictures with different frame size is converted into pictures having the same frame size); and

- Enlargers or reduces the picture frame size of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture frame size (Figure 9 steps s4 enlarges or reduces the picture frame size while s6 determines that there is enough room for recording and is discussed in Column 12 Lines 59+).

**[claims 7 and 15]**

3. In regard to Claims 7 and 15, Koyama et al discloses a reproducing apparatus and method wherein the first index picture data and second index picture are composed of first field and second field and the second index picture data is written to said second storing means, data of one of the first field and the second field that is not being displayed is written (Column 14 lines 1+ discuss how a first index picture data and second index picture are composed of the first and second field and the are stored as seen in Figure 6 and only the first picture images are displayed).

**[claims 8]**

4. In regard to Claim 8, Koyama et al discloses a reproducing apparatus and method wherein the first storing means is used for decoding process for obtaining the first index picture data (Figure 36 step s71 where the picture data is recorded after having undergone fixed length encoding along with the header is read out as it is

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without allowing it to undergo expansion decoding processing to transfer to main memory 11a).

### **Conclusion**

5. The prior art made of record and not relied upon are considered pertinent to applicant's disclosure. The following is considered of significant interest to the application:

- Timmermans (US 5633726); and
- Takeuchi (US 5546137).

### **Contact Fax Information**

*Any response to this action should be mailed to:*

Commissioner of Patents and Trademarks  
Washington, DC 20231

*Or faxed to:*

703.208.6306 (for formal communication intended for entry)  
703.308.5359 (for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

### **Contact Information**

*Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Jamie J. Vent whose telephone number is (703) 305-  
0378.*


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*If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Christopher Kelley, can be reached at (703) 305-4856.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.*

JV

Jamie Vent  
01/21/2004

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
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